



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

April 14, 2004

SUBJECT: **2004-0195 - Sandra Steele** [Applicant] **Lockaway Storage** [Owner]: Application for a 51,401 square foot site located at **220 West Ahwanee Avenue** in an M-S (Industrial & Service) Zoning District (APN: 204-03-043):

Motion Special Development Permit to allow a new telecommunications antenna mounted on the rooftop.

REPORT IN BRIEF

Existing Site Conditions Two-story commercial storage building

Surrounding Land Uses

North	Highway 101
South	Single Family Residential
East	Commercial Manufacturing Business
West	Multi-Family Residential

Issues Neighborhood Compatibility

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	IND	Same	IND
Zoning District	MS-PD	Same	MS-PD
Lot Size (s.f.)	51,401 sf	Same	51,401 sf min.
Gross Floor Area (s.f.)	65,850 sf	Same	N/A
Floor Area Ratio (FAR)	128%	Same	50% max.
Building Height	42' 9"	Same	75' max.
Height of Proposed Antenna	N/A	12' 3 "	15' max. with minor SDP
Building Height with Antenna	N/A	55'	75' max.
Antenna Setbacks			
Front (north)	N/A	96'	No min.
Left Side (west)	N/A	72'	No min
Right Side (east)	N/A	72'	No min
Rear (south)	N/A	188'	No min

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
7008	Construct a cellular transmission facility	Administrative Hearing Approved	7/11/90
5517B	Permit to allow six, 4-foot cellular panels and ten, 10-foot whip antennas	Planning Commission Hearing Approved	8/10/90

Description of Proposed Project

The applicant is proposing to place one wireless telecommunications antenna (radome) mounted on the roof of an existing industrial building. The proposed

antenna extends 12 feet 3 inches from the top of the roof, requiring a minor Special Development Permit for approval. The building is currently occupied by Lockaway Storage, a public mini-storage facility.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act, as amended, and in accordance with City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Special Development Permit

Use: This telecommunications facility would provide improved wireless service in the area for Sprint. The proposal, if approved, will be the only wireless telecommunication facility on this site. The two previously approved telecommunications carriers are no longer present.

Site Layout: The antenna is proposed to be located on the roof of the building, closest to the front elevation. The original application planned the antenna to be located at the rearmost point on the roof, closest to an adjacent residential neighborhood. This location would have been the most visible, from the point of view of the neighborhood. Staff worked with the applicant to find an alternative location for the antenna that would not have such a significant aesthetic impact on the surrounding residents. The applicant resubmitted plans with the currently proposed location.

The antenna will be connected to equipment cabinets located on the ground level, in place of an existing trash enclosure. This trash enclosure was a part of the original approval for the site, but does not currently contain a trash receptacle. The City's Solid Waste Division has determined that this receptacle is no longer necessary and the business' other trash facilities are sufficient to support the amount of waste generated.

The small area of landscaping surrounding the equipment location is not proposed for removal as part of this application. The new equipment will be placed on the existing cement pads around this area. Staff is recommending a condition of approval that additional landscaping be planted in this area to help beautify this portion of the property

Description of Antennas: The proposed antenna is encased in a tube, known as a radome, which is made of fiberglass material and attached to the roof of the building. The radome is intended to hide the three cellular transmission pads

and various cables that comprise the antenna and will be painted to match the building. This radome is 12 feet 3 inches high and 16 inches in diameter.

Ground Equipment and Landscaping: The proposed equipment cabinets will be located to the rear of this site and not visible from the street. At present, the entire site is surrounded by an 8 foot high masonry wall. SMC §19.48.100 requires that mechanical equipment not be located between the face of the building and the street and screened from view. The proposed equipment will be screened from view by this existing masonry wall.

Parking/Circulation: No parking is proposed to be removed as a result of this application.

Compliance with Development Standards

The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply the proposed project:

19.54.40 (b) - All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, and camouflage, to be compatible with existing architectural elements and building materials, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

The applicant is proposing only one radome antenna at 16 inches wide.

19.54.40 (c) - SMC 19.54.040 - Colors and materials for facilities shall be chosen to minimize visibility. Facilities shall be painted or textured using colors to match or blend with the primary background

As a condition of approval, staff is requiring that the radome, equipment, and all conduits shall be painted to match the building.

19.54.040 (i) - Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening. Additional landscaping shall be planted where such vegetation is deemed necessary to provide screening or to minimize the visual impact of the facility.

As a condition of approval, staff is requiring that the applicant enhance the landscaping surrounding the equipment area.

19.54.040(k) - Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area. Roof mounted antennas shall be designed to minimize their visibility.

The applicant has worked with staff to relocate the antenna to a less visible location on the same building.

19.54.40 (l) - In order of preference, ancillary support equipment for facilities shall be located either within a building, in a rear yard or on a screened roofs top area. Support equipment pads, cabinets, shelters and buildings require architectural, landscape, color, or other camouflage treatment for minimal visual impact.

The equipment shall be located to the rear of the site and behind a masonry wall.

Expected Impact on the Surroundings

Staff believes there will be a slight visual impact to the adjacent neighborhood along West Hemlock Avenue, but the revised location of the antenna should mitigate any serious visual impact resulting from this project. The revised location will cause greater visibility from Highway 101, although, it will also not be a significant impact.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Recommended Findings are located in Attachment 1.
- Recommended Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to at least three adjacent properties along the street and two properties in each direction across the street.	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Special Development Permit with the Recommended Conditions of Approval found in Attachment 2.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

Recommendation

Alternative #1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Applicant's Letter of Justification

Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as SMC requires that the location of such facilities be designed with sensitivity to the surrounding areas. The proposed facility utilizes an existing building in an industrial area and does not create any additional negative aesthetic impact to nearby sensitive areas. Staff considers the application for the proposed facility to be consistent with the goals and policies of the Telecommunication Policy adopted by the City of Sunnyvale in June of 1996.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. As conditioned, the proposed location meets the visual standards established by the City of Sunnyvale for telecommunication facilities. The project also meets all FCC RF emissions standards.

Conditions of Approval – Special Development Permit

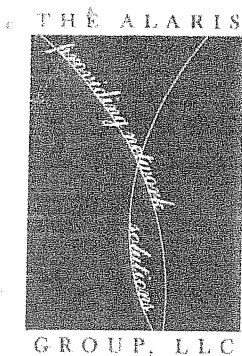
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this permit:

1. Submit for Building Permits prior to construction/installation activity.
2. The conditions of approval shall be reproduced on cover sheet of the plans submitted for a Building Permit for this project.
3. Landscaping shall be added around the proposed equipment to provide additional screening.
4. The radome, equipment, and all conduits shall be painted to match the building at all times.
5. Any noise associated with the proposed facility shall not exceed requirements set forth in Section 19.42.030 of Sunnyvale Municipal Code.
6. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least five (5) years from the date of initial approval.
7. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be approved by the Director of Community Development.
8. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communication Commission and Federal Aviation Administration.
9. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
10. The owner or operator of any facility shall obtain and maintain at all times a current business license issued by the city.
11. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the

city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:

- a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - b) Name, address and telephone number of a local contact person for emergencies.
 - c) Type of service provided.
12. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
 13. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
 14. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
 15. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

16. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
17. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
18. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited areas that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.



Project Description

Introduction

Sprint PCS is a registered public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC), for the purpose of providing personal communication services throughout California.

Overview of Site Design/Location Criteria

In identifying the proposed PCS location, Sprint network deployment personnel have selected a site that not only meets the technical objectives of RF engineering, but concurrently provides the best siting option with regard to other key criteria that include, but are not limited to: technical feasibility, accessibility, utility connections, zoning compatibility, liability and risk assessment, site acquisition, maintenance and construction costs.

Project Location

The site address is 220 West Ahwanee Ave, Sunnyvale. The Assessor's Parcel Number is 204-03-043. The property is located within an MS industrial zoning district.

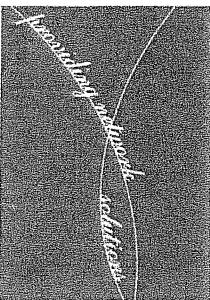
Project Components

Antennas:

The proposal would be to mount three (3) Sprint PCS panel antennas within a new Radome cylinder mounted on the building roof-top at the south end of the building. The proposed Sprint PCS panel antennas, (1) per sector, (3) sectors total would be concealed within the proposed Radome cylinder. The top of the roof parapet is at 44' above ground level and the Radome would be located on the existing upper roof parapet wall. The top of the Radome would be at 55' above ground level. The Radome size would be 11 feet tall by 16 inches wide (11' X 16"). The Radome would be painted to match the existing building. There would be a GPS antenna mounted at the equipment lease area.

Equipment:

The equipment lease area would be located on the ground within an existing trash enclosure area and existing planter area at the south-eastern end of the existing building. The existing CMU wall enclosure would be demolished and replaced with a concrete slab within the existing curb area. The equipment would be located on the concrete slab and protected by bollards. The



bollards would be located at 42" on center and they would be removable bollards as required. The total lease area would occupy approximately (35' X 8' irregular) or +- 260 SF. The Mod Cell equipment includes up to four (4) large cabinets and two (2) smaller power and telco cabinets. There would also be a service light.

Coverage Objective

Sprint PCS's radiofrequency (RF) engineers have identified this site as an integral site in improving Sprint's PCS network coverage to the residential areas between Mathilda and Morse from Hwy 101 south. At present, Sprint PCS customers are experiencing poor service in this area and this site will greatly benefit the Sprint PCS subscribers who live, work and travel in this area.

PCS will change the future of telecommunications with easy-to-use, lightweight and highly mobile communications devices including: portable telephones, computers and Personal Digital Assistants (PDAs). PCS will provide voice, e-mail and internet access capabilities for customer's communications needs virtually anywhere and at any time.

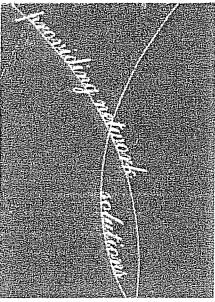
The PCS network being developed by Sprint PCS differs from typical cellular networks in that it uses a combination of state of the art digital technology and traditional analog wireless communications, which have been in use since the early 1980s. The benefits include call privacy and security, improved voice quality, and an expanded menu of affordable products and services for personal and professional communications needs. The Sprint PCS network will eventually feature a locator device that will connect 911 calls to local police and fire departments. In the event of an emergency, specially equipped emergency vehicles will be able to identify a customer's location once a call is received.

Use Permit Justifications

How is this proposed use desirable and not materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the zoning district?

The proposed antenna facility satisfies the above stated question in order to justify the grant of a Use Permit by the following:

- Conditional approved use is in an existing MS industrial zoning district.



- The communications equipment will not interfere, and is federally mandated to not interfere with any other existing communications equipment or electronic devices.
- The antenna facility is self contained, unmanned, and quiet. The facility will not have a negative impact on utility or other existing infrastructure or demand for municipal services.
- The antenna facility will not have a negative impact on the further development of other future communications facilities, structures or land uses.

Feasible Alternative Sites:

Sprint PCS Site Acquisition initially identified Columbia Park in the City of Sunnyvale. The proposal was to put antennas on an existing light standard at 739 Morsey Ave, Sunnyvale. However, when Sprint approached the city Parks and Recreation department, they would not allow us to locate any facility of any kind in any of their city parks. Hence we could not enter a lease agreement.

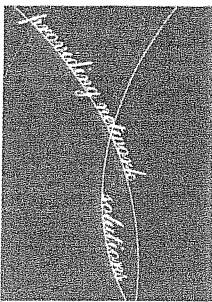
Sprint PCS then identified a second possible candidate. This was a commercially zoned vacant lot located at 883 Borregas Avenue, Sunnyvale. This site was not feasible as there were environmental issues and planning directed us to an existing building rather than a new monopole

Operational Overview

Once constructed and operational, the unmanned communications facility will provide service to customers 24-hour per day, seven (7) days per week. Apart from initial construction activity, the facility will be serviced on a periodic basis by a Sprint technician. It is reasonable to expect that routine maintenance/inspection of the facility will occur once a month during normal working hours. Beyond this intermittent service, Sprint requires 24-hour access to the facility to ensure that technical support is immediately available if and when warranted. All computer equipment needed to operate the site will be housed within the equipment cabinets.

FCC Compliance

Sprint PCS complies with the operating requirements set forth by the FCC in 47 CFR Part 15 that discusses operation in public portions of the radio spectrum. The specific public frequency



A-bands utilized by Sprint PCS are 1850 to 1865 MHz and 1930 to 1945 MHz ranges. This section specifies technical requirements, frequencies, and radio transmitter maximum power output such as minimum channel separation and channel bandwidth. Sprint PCS' technology adheres to all of these requirements.

Conclusion

On behalf of Sprint PCS, the Alaris Group looks forward to working in cooperation with the City of Sunnyvale to provide a wireless telecommunications facility that complies with the City's Land Use Requirements.

Please do not hesitate to contact me with any questions at 415-573-7400 or ssteele@thealarisgroup.com

Sincerely,

Sandra Steele
Zoning Specialist
The Alaris Group, LLC